

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOAH SYSTEMS, INC.,

Plaintiff/ Counter-defendant,

v.

06cv0933
Electronically Filed

INTUIT INC.,

Defendant/ Counter-plaintiff .

Order of Court

AND NOW, this 24th day of January, 2011, after careful consideration of the Report and Recommendation of the able Special Master, David G. Oberdick, Esquire, on Defendant's Summary Judgment and Motion to Strike (Doc. No. 117), Noah Systems Inc.'s Objections to the Report and Recommendation of Special Master on Defendant's Motion for Summary Judgment and Motion to Strike (Doc. No. 118), and Intuit Inc.'s Response thereto (Doc. No. 119), the Court HEREBY ORDERS as follows:

- (1) Noah Systems Inc.'s Objections to the Report of Recommendation of Special Master on Defendant's Motion for Summary Judgment and Motion to Strike (Doc. No. 118) are OVERRULED.
- (2) The Report and Recommendation of the Special Master on Defendant's Motion for Summary Judgment (Doc. No. 117) is AFFIRMED and ADOPTED as the Opinion of the Court.
- (3) Accordingly, Defendant's Motion for Summary Judgment on Invalidity is HEREBY GRANTED (Doc. No. 94) as to the Asserted Claim of the '435 Patent, and Defendant's Motion to Strike the Epplinger and Kollar Declarations (Doc. No. 107) is

HEREBY DENIED AS MOOT.

- (4) Judgment is HEREBY ENTERED in favor of Defendant/Counter-claimant and against Plaintiff/Counter-defendant.¹
- (5) The Clerk shall mark the docket as CLOSED.

SO ORDERED this 24th day of January, 2011.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

¹ Judgment is entered in favor of Defendant/Counter-claimant on the claim of invalidity and therefore moots the counterclaims for noninfringement and unenforceability.